

# MEMO ENDORSED

Deemed letter motion for extension of time. Great cause created thereby.  
Motion granted.

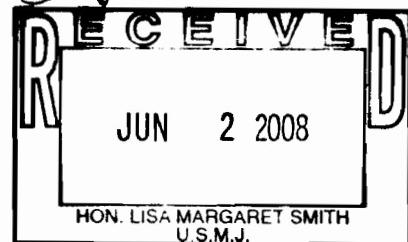
SO ORDERED

Lisa Margaret Smith

May 27, 2008

Re: Lisa M. Smith, Magistrate Judge  
United States District Court,  
Southern District of New York  
300 Church Street  
White Plains, New York 10601  
Attn: Clerk of the Court

USMJ  
6/3/08



Dear Hon. Madame,

Re: Smith v. Astor, C.F. C.A. 9261 (S.D.N.Y.)

Petitioner Astor Smith herein requests an extension of time to file with this Court his Reply (Traverse) to Respondent's Opposition in the matter of Petitioner's Habeas Corpus Petition, due to emergency matters unforeseen and only recently (or beginning to occur) since Tuesday, May 27, 2008, up to the present. Such extension is being asked and at least Friday, June 6, 2008, or Monday, June 9, 2008, whichever comes first, is deemed enough to extend Petitioner's time to.

Petitioner received this Court's grant to file more than the stipulated 10, (10), days limit, i.e., the 10, Stephen C. Robinson's Individual Rules' as Friday evening, May 23, 2008. However, after that time he was not able to access the County's law library where his legal papers and Reply is located until after Nine o'clock P.M., i.e., Monday, May 26, 2008. Yet on Tuesday, May 27, 2008, it was announced that the County's school building where the law library is located, was closed until further notice due to electrical problems which have now outside contractors

working to rectify the matter. It has been told to Petitioner by security staff, court and officers that the matter should be fixed by Monday, June 2, 2008; however, until then the School building, including the law library as well will be closed.

Petitioner's reply is completed and all that is needed by him is to be able to retrieve it from the law library and file it with the Court. However, until he is physically able to go to the law library to do so, as it is closed entirely and this is not a matter of scheduling, Petitioner requires an extension as requested above due to unforeseen and emergency circumstances. All of the above may be verified by the Library's administrative personnel, concerning the outage of electricity and closure of the School building and which includes the law library, as well as, the dates mentioned above. Petitioner sought to wait as long as he could so as not to have to file an extension in hopes that the matter would be rectified and he could have just retrieved the reply and timely file it, however, this is not possible at present due to the inability to access the law library altogether. Petitioner respectfully requests that this Court grant such extension.

Respectfully,



Daniel Smith #0246279

Petitioner Pro Se

5/29/08

CC: Janet D. Moore, Esq.

Westchester County District Attorney  
White Plains, New York 10601